

033004

16085 U.S. PTO

In re Application of: Scott E. Boatman et al.

For: MEDICAL DEVICE INCLUDING UNITARY, CONTINUOUS PORTION OF VARYING DUROMETER

Attorney Docket No: 8627-453

Express Mail[®] mailing label number: EV 339726962 US

Date of Deposit: March 30, 2004

BRINKS
HOFER
GILSON
& LIONE

15364 U.S. PTO
10/813415

033004

UTILITY PATENT APPLICATION TRANSMITTAL

Mail Stop PATENT APPLICATION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith is:

- ☐ A new application under 37 C.F.R. §1.53(b).
☒ A ☐ Continuation, ☒ Divisional, or ☐ Continuation-in-part (CIP) under 37 C.F.R. §1.53(b) of prior application no. 09 /848,742.

Prior application information: Examiner: C. Williams Art Unit: 3763

- ☐ Maintenance of copendency of prior application: A request for extension of time and the appropriate fee have been filed in the pending prior application (or are being filed in the prior application concurrently herewith) to extend the period for response until _____.

For Continuation or Divisional Applications only: The entire disclosure of the prior application, from which an oath or declaration is supplied as indicated below, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.

The following application elements and other papers are attached:

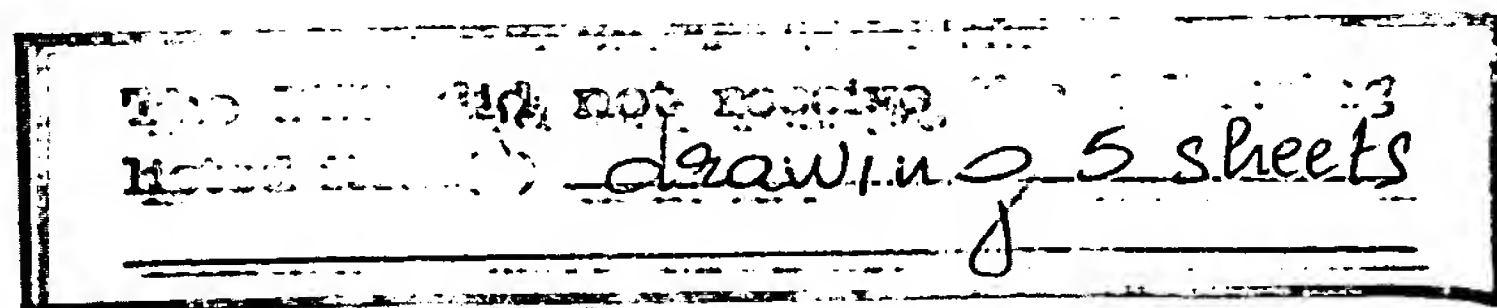
1. Application including: ☐ Application Data Sheet. See 37 CFR § 1.76.
☒ Title page
☒ Specification, including claims and Abstract (82 pages)
☒ Drawings (5 sheet(s))
☐ Appendices:
☐ Declaration or ☒ Combined Declaration and Power of Attorney (5 pages):
☐ newly-executed (original or copy)
☒ copy from a prior application (37 CFR §1.63(d))
☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR §1.53(d)(4). Please DELETE the following inventor(s) named in prior nonprovisional application no: _____:

2. ☐ Small Entity Status:

- ☐ Applicant hereby asserts entitlement to claim small entity status under 37 CFR §§ 1.9 and 1.27.
☐ A small entity statement or assertion of entitlement to claim small entity status was filed in prior application no. _____ / _____ and such status is still proper and desired.
☐ Is no longer desired.

3. Fee calculation (after entry of any preliminary amendment(s) in Item #7 below):

| Claims as Filed | Col. 1 | Col. 2 | Small Entity | | | Not a Small Entity | |
|--|-----------|-----------|--------------|--------|----|--------------------|---------|
| For | No. Filed | No. Extra | Rate | Fee | or | Rate | Fee |
| Basic Fee | | | | \$ 385 | or | | \$ 770 |
| Total Claims | 41-20 | 21 | x\$9= | \$ | or | 21x\$18= | \$ 378 |
| Independent Claims | 2-3 | 0 | x\$43= | \$ | or | x\$86= | \$ |
| Multiple Dependent Claims Present | | | +\$145= | \$ | or | +\$290= | \$ |
| *If the difference in col. 1 is less than zero, enter "0" in col. 2. | | | Total | \$ | or | Total | \$1,148 |



4. Fee payment :

- ☒ A check in the amount of \$1,148.00 to cover the filing fee is enclosed.
- ☐ Please charge my Deposit Account No. 23-1925 in the amount of \$_____. A duplicate copy of this sheet is enclosed.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A copy of this Transmittal is enclosed.
- ☒ Any additional filing fees required under 37 CFR § 1.16.
- ☒ Any patent application processing fees under 37 CFR §1.17.
- ☐ The Director is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 23-1925.
- ☐ Any filing fees under 37 CFR § 1.16 for presentation of extra claims.
- ☐ Any patent application processing fees under 37 CFR § 1.17.
- ☐ The issue fee set in 37 CFR § 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR § 1.311(b).

5. ☐ Certified copy of priority document(s)

☐ is attached or ☐ has been filed in prior application no. _____ / _____.

6. ☐ English Translation Document

☐ is attached or ☐ has been filed in prior application no. _____ / _____.

7. ☐ Preliminary Amendment:

☐ A Preliminary Amendment is attached (*note*: related application data required under 37 CFR §1.78, if any, appears in the Amendments to the Specification section of the Preliminary Amendment, including incorporations by reference).

☐ A "Petition to Suspend Prosecution For the Time Necessary to File an Amendment (New Application Filed Concurrently)" is attached.

8. ☐ Information Disclosure Statement, including Form PTO-1449 (_____ sheets) and copies of references cited, if required.9. ☒ An Assignment to Cook Incorporated and Sabin Corporation :

☐ with accompanying Assignment Recordation Cover Sheet, is attached.

☒ was previously recorded on June 25, 2001 at Reel 011927, Frame 0676.

10. ☐ Power of Attorney (___ pages; ☐ by inventor ☐ by Assignee identified in item #9 above)11. ☐ Nonpublication Request under 35 USC §122(b)(2)(B)(i)12. ☐ Other: _____13. ☒ Return Postcard

14. The power of attorney in the prior application is to: _____ (Reg. No. _____).

☐ The power appears in the original papers in the prior application.

☐ The power does not appear in the original papers in the prior application, but was filed on: _____

☐ A new power has been executed and is attached.

15. CORRESPONDENCE ADDRESS: please recognize the correspondence address for this application as the address associated with the following Customer Number:

Customer No. 00757 - Brinks Hofer Gilson Lione

16. PLEASE DIRECT all telephonic communications to:

Lawrence G. Almeda (tel: (734) 302-6000).

Respectfully submitted,



Lawrence G. Almeda (Reg.No. 46,151)

March 30, 2004

Date